

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-01411-TSC**

VIOLA v. UNITED STATES DEPARTMENT OF JUSTICE et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 07/01/2016
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

ANTHONY L. VIOLA

represented by **ANTHONY L. VIOLA**
R32238-160
MCKEAN
FEDERAL CORRECTIONAL
INSTITUTION
Inmate Mail/Parcels
P.O. BOX 8000
BRADFORD, PA 16701
PRO SE

V.

Defendant

**UNITED STATES DEPARTMENT
OF JUSTICE**

represented by **John Moustakas**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
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TERMINATED: 08/07/2019

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TERMINATED: 07/26/2017

Defendant

**UNITED STATES ATTORNEY FOR
THE NORTHERN DISTRICT OF
OHIO**

represented by **John Moustakas**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
(See above for address)
TERMINATED: 08/07/2019

Tammy Allison Holloway
(See above for address)
TERMINATED: 07/26/2017

Date Filed	#	Docket Text
07/07/2016	<u>1</u>	COMPLAINT against UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Filing fee \$ 400, receipt number 4616079173) filed by ANTHONY L. VIOLA. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(jf) (Entered: 07/08/2016)
07/13/2016		SUMMONS (4) Issued as to UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (zmd). (Entered: 07/08/2016)
08/09/2016	<u>2</u>	NOTICE of Appearance by Tammy Allison Holloway on behalf of UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Holloway, Tammy) (Entered: 08/09/2016)
08/15/2016	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/3/2016. (Answer due for ALL FEDERAL DEFENDANTS by 9/2/2016.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/3/16., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO served on 7/25/2016 (td) (Entered: 08/17/2016)
08/31/2016	<u>4</u>	MOTION for Extension of Time to <i>Answer or file Dispositive Motion</i> by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Holloway, Tammy) (Entered: 08/31/2016)
09/01/2016		MINUTE ORDER: Granting <u>4</u> Motion for Extension of Time to Answer. Defendants shall answer or otherwise respond to the complaint by October 3, 2016. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 9/1/16. (DJS) (Entered: 09/01/2016)
09/02/2016		Set/Reset Deadlines: Answer due by 10/3/2016, (zsm) (Entered: 09/02/2016)
09/30/2016	<u>5</u>	MOTION for Extension of Time to File Answer <i>or file Dispositive Motion</i> by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Holloway, Tammy) (Entered: 09/30/2016)
10/03/2016		MINUTE ORDER: Granting <u>5</u> Motion for Extension of Time to Answer. Defendants' deadline to answer or prepare a dispositive motion is hereby extended until November 3, 2016. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL ORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 10/3/16. (DJS) (Entered: 10/03/2016)
10/17/2016	<u>6</u>	MOTION to Compel the Government to answer plaintiff's complaint by ANTHONY L. VIOLA (jf) (Entered: 10/19/2016)
11/03/2016	<u>7</u>	ANSWER to <u>1</u> Complaint, by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE.(Holloway, Tammy) (Entered: 11/03/2016)
11/03/2016	<u>8</u>	PROPOSED BRIEFING SCHEDULE by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF

		JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Holloway, Tammy) (Entered: 11/03/2016)
11/03/2016	<u>9</u>	Memorandum in opposition to re <u>6</u> MOTION to Compel filed by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE. (Holloway, Tammy) (Entered: 11/03/2016)
11/17/2016	<u>10</u>	NOTICE regarding Assistant U.S. Attorney Tammy Allison Holloway by ANTHONY L. VIOLA (td) (Entered: 11/21/2016)
11/28/2016	<u>11</u>	CERTIFICATE OF SERVICE by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE re <u>9</u> Memorandum in Opposition, <u>7</u> Answer to Complaint, <u>10</u> Notice (Other), <u>8</u> Proposed Briefing Schedule (<i>Amended Certificate of Service</i>). (Holloway, Tammy) (Entered: 11/28/2016)
11/28/2016	<u>12</u>	RESPONSE (Opposition) re <u>8</u> Proposed Briefing Schedule filed by ANTHONY L. VIOLA. (td) (Entered: 11/30/2016)
12/15/2016		MINUTE ORDER: Denying <u>6</u> as Moot Plaintiff's Motion to Compel Defendants to Answer. Defendants shall file their motion for summary judgment no later than January 9, 2017. The Clerk of the Court shall mail a copy of this order to ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL ORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 12/15/16. (DJS) (Entered: 12/15/2016)
12/15/2016		Set/Reset Deadlines: Summary Judgment motions due by 1/9/2017. (zsm) (Entered: 12/15/2016)
01/06/2017	<u>13</u>	Second MOTION for Briefing Schedule by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Holloway, Tammy) (Entered: 01/06/2017)
01/13/2017		MINUTE ORDER: Inasmuch as Defendants' Motion for Summary Judgment was due 1/9/17 (see 12/15/2016 Min. Order) the court hereby treats the Defendants' Motion for a Briefing Schedule <u>13</u> as a motion for an extension of time in which to file its Motion for Summary Judgment. Defendants' motion is hereby granted. Going forward the parties shall be careful to fully read all orders. Defendants' Motion is due 2/9/17. Plaintiff's Response is due 3/9/17. Defendants' reply is due 3/29/17. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 1/13/17. (DJS) (Entered: 01/13/2017)
01/17/2017		Set/Reset Deadlines: Summary Judgment motions due by 2/9/2017. Response to Motion for Summary Judgment due by 3/9/2017. Reply to Motion for Summary Judgment due by 3/29/2017. (tb) (Entered: 01/17/2017)
01/17/2017	<u>14</u>	Memorandum in opposition to re <u>13</u> Second MOTION for Briefing Schedule filed by ANTHONY L. VIOLA. (td) (Entered: 01/23/2017)
02/09/2017	<u>15</u>	MOTION for Summary Judgment by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Holloway, Tammy) (Entered: 02/09/2017)
02/10/2017	<u>16</u>	ERRATA by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE <u>15</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO. (Attachments: # <u>1</u> Exhibit)(Holloway, Tammy) (Entered: 02/10/2017)
02/15/2017	<u>17</u>	FOX NEAL ORDER advising plaintiff to respond or Court may deem matter as conceded. The Clerk of the court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Response due by 3/16/2017 Signed by Judge Tanya S. Chutkan on 2/15/17. (DJS) (Entered: 02/15/2017)

03/02/2017	<u>18</u>	Memorandum in opposition to re <u>15</u> MOTION for Summary Judgment filed by ANTHONY L. VIOLA. (td) (Entered: 03/06/2017)
03/28/2017	<u>19</u>	MOTION for Extension of Time to File Response/Reply by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Holloway, Tammy) (Entered: 03/28/2017)
03/28/2017		MINUTE ORDER: The court hereby GRANTS <u>19</u> Defendants' Motion for Extension of Time to File Their Reply Brief. Defendants are ORDERED to file their Reply by 5/15/2017. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 3/28/2017. (lctsc2) (Entered: 03/28/2017)
03/28/2017		Set/Reset Deadlines: Reply due by 5/15/2017. (tb) (Entered: 03/28/2017)
04/06/2017	<u>20</u>	MOTION to Take Judicial Notice by ANTHONY L. VIOLA (td) (Entered: 04/10/2017)
05/08/2017	<u>21</u>	MOTION for Sanctions by ANTHONY L. VIOLA (td) (Entered: 05/09/2017)
05/12/2017	<u>22</u>	NOTICE to Withdraw <i>Motion for Summary Judgment and Motion for an Enlargement of Time to File Its renewed Motion for Summary Judgment</i> by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Holloway, Tammy) Modified on 5/15/2017 to correct docket event/text (jf). (Entered: 05/12/2017)
05/15/2017		MINUTE ORDER: Upon consideration of <u>22</u> Defendants' Notice of Withdrawal of their Motion for Summary Judgment, it is hereby ORDERED that Defendants' Renewed Motion for Summary Judgment is due by 6/2/2017. Plaintiffs' Opposition is due by 7/14/2017, and Defendants' Reply is due by 8/4/2017. Signed by Judge Tanya S. Chutkan on 5/15/2017. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. (lctsc2) (Entered: 05/15/2017)
05/16/2017		Set/Reset Deadlines: Renewed Summary Judgment motion due by 6/2/2017. Response to Motion for Summary Judgment due by 7/14/2017. Reply to Motion for Summary Judgment due by 8/4/2017. (tb) (Entered: 05/16/2017)
06/01/2017	<u>23</u>	MOTION for Summary Judgment by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Holloway, Tammy) (Entered: 06/01/2017)
06/08/2017	<u>24</u>	FOX NEAL ORDER advising plaintiff to respond or Court may deem matter as conceded. Response due by 7/14/2017. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 6/8/17. (DJS) (Entered: 06/08/2017)
06/16/2017	<u>25</u>	Memorandum in opposition to re <u>23</u> MOTION for Summary Judgment filed by ANTHONY L. VIOLA. (td) (Entered: 06/16/2017)
07/26/2017	<u>26</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Melanie Dyani Hendry on behalf of UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE Substituting for attorney Tammy Holloway (Hendry, Melanie) (Entered: 07/26/2017)
07/26/2017	<u>27</u>	MOTION for Extension of Time to File Response/Reply by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Hendry, Melanie) (Entered: 07/26/2017)
07/27/2017		MINUTE ORDER: Granting <u>27</u> Motion for Extension of Time to File Response/Reply. Defendants' reply due September 8, 2017. Signed by Judge Tanya S. Chutkan on 7/27/17. (DJS) (Entered: 07/27/2017)

08/01/2017		Set/Reset Deadlines: Defendants' Reply in support of its Motion for Summary Judgment is due by 9/8/2017. (jth) (Entered: 08/01/2017)
08/21/2017	<u>28</u>	SUPPLEMENTAL MEMORANDUM in Support of re <u>25</u> Memorandum in Opposition filed by ANTHONY L. VIOLA. (td) (Entered: 08/25/2017)
09/06/2017	<u>29</u>	MOTION for Extension of Time to File Response/Reply by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Hendry, Melanie) (Entered: 09/06/2017)
09/08/2017	<u>30</u>	NOTICE re Confirmation of Exhausted All Administrative Remedies by ANTHONY L. VIOLA (jf) (Entered: 09/12/2017)
09/28/2017	<u>31</u>	REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment filed by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Third Declaration of David Hardy)(Hendry, Melanie) (Entered: 09/28/2017)
10/03/2017		MINUTE ORDER: Granting nunc pro tunc <u>29</u> Motion for Extension of Time to File Response/Reply. The court requires no additional briefing in order to rule on the pending motions. Accordingly, the court hereby orders that--until the parties are notified to the contrary--no further filings in this action will be permitted absent leave of court. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 10/3/17. (DJS) (Entered: 10/03/2017)
03/31/2018	<u>32</u>	MEMORANDUM AND OPINION re Defendant's Motion <u>23</u> for Summary Judgment. Signed by Judge Tanya S. Chutkan on 3/31/18. (DJS) (Entered: 03/31/2018)
03/31/2018	<u>33</u>	ORDER granting in part and denying in part <u>23</u> Defendant's Motion for Summary Judgment. The Clerk of the Court shall mail a copy of this ORDER and the accompanying Memorandum Opinion to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 3/31/18. (DJS) (Entered: 03/31/2018)
03/31/2018		MINUTE ORDER finding as moot <u>20</u> Plaintiff's Motion to Take Judicial Notice; finding as moot <u>21</u> Plaintiff's Motion for Sanctions. Signed by Judge Tanya S. Chutkan on 3/31/18. (DJS) Modified event title on 4/2/2018 (znmw). (Entered: 03/31/2018)
04/04/2018		MINUTE ORDER: By April 15, 2018 the Defendants shall file a status report and proposed schedule for moving forward on the remaining issue in this action. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 4/4/18. (DJS) (Entered: 04/04/2018)
04/04/2018		Set/Reset Deadlines: Status Report and proposed schedule due by 4/15/2018. (jl) (Entered: 04/05/2018)
04/13/2018	<u>35</u>	MOTION for Reconsideration re <u>32</u> Memorandum & Opinion, Order on Motion for Order, Order on Motion for Sanctions, <u>33</u> Order on Motion for Summary Judgment, by ANTHONY L. VIOLA (td) (Main Document 35 replaced on 4/23/2018) (td). Modified on 4/23/2018 to add page 2 (td). (Entered: 04/18/2018)
04/16/2018	<u>34</u>	STATUS REPORT <i>and Proposed Schedule</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 04/16/2018)
04/16/2018		MINUTE ORDER: The FBI shall file its Motion for Summary Judgment by 5/25/18. Plaintiff's Response due 6/25/18. FBI's Reply due 7/20/18. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 4/16/18. (DJS) (Entered: 04/16/2018)

04/17/2018		Set/Reset Deadlines: Summary Judgment motion due by 5/25/2018. Response to Motion for Summary Judgment due by 6/25/2018. Reply to Motion for Summary Judgment due by 7/20/2018. (tb) (Entered: 04/17/2018)
04/24/2018	<u>36</u>	MOTION for Extension of Time to File Response/Reply as to <u>35</u> MOTION for Reconsideration re <u>32</u> Memorandum & Opinion, Order on Motion for Order, Order on Motion for Sanctions, <u>33</u> Order on Motion for Summary Judgment, by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Hendry, Melanie) (Entered: 04/24/2018)
05/01/2018		MINUTE ORDER: Granting <u>36</u> Defendants' Motion for Extension of Time to File Response/Reply. Defendants shall file their response to Plaintiff's Motion for Reconsideration <u>5</u> by May 25, 2018. Plaintiff shall file his reply brief by June 11, 2018. Plaintiff is hereby reminded that new issues cannot be raised in a reply brief and the court may strike any such issues included in the reply. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 5/1/18. (DJS) (Entered: 05/01/2018)
05/01/2018		Set/Reset Deadlines: Response to motion for reconsideration due by 5/25/2018. Reply due by 6/11/2018. (tb) (Entered: 05/01/2018)
05/23/2018	<u>37</u>	MOTION for Extension of Time to File <i>Oppositon to Motion for Reconsideration and Renewed Summary Judgment Motion</i> by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Hendry, Melanie) (Entered: 05/23/2018)
05/24/2018		MINUTE ORDER : Granting <u>37</u> Defendants' Motion for Extension of Time to File Reply. Defendants' reply due June 22, 2018. Defendants' renewed motion for summary judgment shall be filed within 45 days after entry of the Court's Order concerning Plaintiff's Motion for Reconsideration. THE COURT WILL VIEW FURTHER REQUESTS FOR EXTENSIONS WITH DISFAVOR. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 5/24/18. (DJS) (Entered: 05/24/2018)
05/25/2018		Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 6/22/2018. (tb) (Entered: 05/25/2018)
06/22/2018	<u>38</u>	RESPONSE re <u>35</u> MOTION for Reconsideration re <u>32</u> Memorandum & Opinion, Order on Motion for Order, Order on Motion for Sanctions, <u>33</u> Order on Motion for Summary Judgment, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Hendry, Melanie) (Entered: 06/22/2018)
06/29/2018	<u>39</u>	Order advising plaintiff to file reply by July 20, 2018. Response limited to eight pages. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 6/29/18. (DJS) (Entered: 06/29/2018)
07/05/2018	<u>40</u>	REPLY to opposition to motion re <u>35</u> MOTION for Reconsideration re <u>32</u> Memorandum & Opinion, Order on Motion for Order, Order on Motion for Sanctions, <u>33</u> Order on Motion for Summary Judgment, filed by ANTHONY L. VIOLA. (ztd) (Entered: 07/10/2018)
03/31/2019	<u>41</u>	ORDER Granting in part and Denying in part Plaintiff's Motion <u>35</u> for Reconsideration. A Memorandum Opinion will be issued shortly, absent unforeseen circumstances. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL ORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 3/31/19. (DJS) (Entered: 03/31/2019)
06/11/2019	<u>42</u>	MEMORANDUM AND OPINION re Plaintiff's Motion to Reconsider <u>35</u> . Signed by Judge Tanya S. Chutkan on 6/11/19. (DJS) (Entered: 06/11/2019)

06/11/2019	<u>43</u>	AMENDED ORDER (amending <u>41</u>): Granting in part an denying in part Plaintiff's Motion for Reconsideration <u>35</u> . Defendant's Supplemental Brief due 7/1/19. The Clerk of the Court shall mail a copy of the Memorandum Opinion <u>42</u> and a copy of this order to: ANTHONY L. VIOLA R32238-160 MCKEAN FEDERAL CORRECTIONAL INSTITUTION Inmate Mail/Parcels P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 6/11/19. (DJS) (Entered: 06/11/2019)
06/18/2019		Set/Reset Deadlines: Supplemental Brief due by 7/1/2019. (tb) (Entered: 06/18/2019)
06/28/2019	<u>44</u>	MOTION for Extension of Time to File <i>Supplemental Motion for Summary Judgment</i> by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Hendry, Melanie) (Entered: 06/28/2019)
06/28/2019		MINUTE ORDER: Granting <u>44</u> Motion for Extension of Deadlines. Defendant's Supplemental Motion due July 26, 2019. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL ORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 6/28/19. (DJS) (Entered: 06/28/2019)
06/29/2019		Set/Reset Deadlines: Defendant's Supplemental Motion due by 7/26/2019. (jth) (Entered: 06/29/2019)
07/25/2019	<u>45</u>	MOTION for Extension of Time to File <i>Supplemental Summary Judgment Motion</i> by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Hendry, Melanie) (Entered: 07/25/2019)
07/26/2019		MINUTE ORDER: Granting <u>45</u> Motion for Extension of Deadlines. Defendants' Supplemental Motion for Summary Judgment due September 20, 2019. The court will view further requests for an extension by Defendants with disfavor. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA R32238-160 MCKEAN FEDERAL CORRECTIONAL INSTITUTION Inmate Mail/Parcels P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 7/26/19. (DJS) (Entered: 07/26/2019)
08/07/2019	<u>46</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019)
08/08/2019	<u>47</u>	ERRATA by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE. (Certificate of service filed re substitution of counsel) (Attachments: # <u>1</u> Supplement)(Moustakas, John) Modified on 8/26/2019 (DJS). (Entered: 08/08/2019)
09/20/2019	<u>48</u>	MOTION for Extension of Time to File <i>Supplemental Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF JUSTICE (Moustakas, John) (Entered: 09/20/2019)
09/30/2019		MINUTE ORDER: Granting <u>48</u> Motion for Extension of Deadlines. Defendants' Motion due 10/4/19. Further requests for extensions will be viewed with extreme disfavor. The Clerk of the Court shall mail a copy of this order to ANTHONY L. VIOLA R32238-160 MCKEAN FEDERAL CORRECTIONAL INSTITUTION Inmate Mail/Parcels P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 9/30/19. (DJS) (Entered: 09/30/2019)
09/30/2019		Set/Reset Deadlines: Defendants' Motion due by 10/4/2019. (zjd) (Entered: 10/01/2019)
10/04/2019	<u>49</u>	MOTION for Extension of Time to File by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (ztd) (Entered: 10/08/2019)
10/08/2019	<u>50</u>	NOTICE of Proposed Order <i>Granting Motion to Extend</i> by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES

		DEPARTMENT OF JUSTICE re <u>49</u> MOTION for Extension of Time to File (Moustakas, John) (Entered: 10/08/2019)
10/08/2019	<u>51</u>	MOTION to Vacate <i>and/or Stay the Supplemental Summary Judgment Briefing Schedule</i> by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Moustakas, John). Added MOTION to Stay on 10/8/2019 (ztd). (Entered: 10/08/2019)
10/08/2019	<u>52</u>	MOTION to Vacate <u>32</u> Memorandum & Opinion, Order on Motion for Order, Order on Motion for Sanctions, <u>42</u> Memorandum & Opinion, <u>43</u> Order, <u>33</u> Order on Motion for Summary Judgment, by ANTHONY L. VIOLA (ztd) (Entered: 10/15/2019)
10/16/2019		MINUTE ORDER: Defendant's motion [51] to vacate or stay the supplemental briefing schedule is hereby granted in part and denied in part. Briefing is hereby stayed on the Paul Tomko records. Defendant shall make its first release to Plaintiff of all non-exempt Tomko records by 11/15/19 and its second release by 12/16/19. Defendant shall file a proposed briefing schedule with respect to those records by 1/1/20. Defendant's brief on the Exemption 7 defense is due 10/30/19. Absent EXTRAORDINARY CIRCUMSTANCES the court will not entertain a motion to continue the briefing schedule. Had defendant properly responded to this issue when raised by the Plaintiff in his motion to reconsider, supplemental briefing would not be necessary. Plaintiff's motion <u>52</u> to vacate this court's prior summary judgment decisions is hereby denied without prejudice. Plaintiff has not established how the government's incorrect description of documents in its Vaughn index and its decision to reprocess and resubmit its Vaughn index—in a separate case—have bearing on the present litigation. Defendant's motion <u>49</u> for an extension of the briefing schedule is moot. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238–160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 10/16/19. (DJS) (Entered: 10/16/2019)
10/18/2019		Set/Reset Deadlines: Proposed Briefing Schedule due by 11/20/2019. (tb) (Entered: 10/18/2019)
10/21/2019	<u>53</u>	Memorandum in opposition to re <u>51</u> MOTION to Vacate <i>and/or Stay the Supplemental Summary Judgment Briefing Schedule</i> MOTION to Stay filed by ANTHONY L. VIOLA. (ztd) (Entered: 10/23/2019)
10/21/2019	<u>54</u>	Renewed MOTION to Vacate by ANTHONY L. VIOLA (ztd) (Entered: 10/23/2019)
10/25/2019		MINUTE ORDER denying without prejudice <u>54</u> Plaintiff's Renewed Motion to Vacate this court's prior summary judgment decisions for the same reasons as set forth in this court's 10/16/19 Minute Order. Plaintiff has not established how the government's incorrect description of documents in its Vaughn index and its decision to reprocess and resubmit its Vaughn index—in a separate case—have bearing on the present litigation. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238–160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 10/25/19. (DJS) (Entered: 10/25/2019)
10/30/2019	<u>55</u>	Supplemental MOTION for Summary Judgment by UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration Fourth Hardy Decl.)(Moustakas, John) (Entered: 10/30/2019)
10/30/2019	<u>56</u>	FOX NEAL Order advising plaintiff to respond or Court may deem matter as conceded. Plaintiff's Response due by 12/2/2019. The Clerk of the Court shall mail a copy of this order to: ANTHONY L. VIOLA, R32238–160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701. Signed by Judge Tanya S. Chutkan on 10/30/19. (DJS) (Entered: 10/30/2019)
10/31/2019		Set/Reset Deadlines: Response due by 12/2/2019. (tb) (Entered: 10/31/2019)
11/21/2019	<u>57</u>	RESPONSE TO ORDER OF THE COURT re <u>56</u> Fox/Neal Order, filed by ANTHONY L. VIOLA. (ztd) (Entered: 11/22/2019)

12/02/2019		<p>MINUTE ORDER: The court having considered the Plaintiff's Notice <u>57</u> , hereby extends the Plaintiff's obligation to respond to Defendants' Supplemental Motion for Summary Judgment <u>55</u> until 1/31/20. All other directives in this court' 10/30/19 Order <u>56</u> , remained unchanged. The Clerk of the Court shall mail a copy of this order AND a copy of Defendant's Supplemental Motion for Summary Judgment <u>55</u> to: ANTHONY L. VIOLA, R32238-160, MCKEAN FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 8000, BRADFORD, PA 16701 Signed by Judge Tanya S. Chutkan on 12/2/19. (DJS) (Entered: 12/02/2019)</p>
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